

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSHUA D. BRODSKY,)	3:14-cv-00641-RCJ-WGC
)	
Plaintiffs,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	October 7, 2015
WARDEN BACA, et al.,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiff's "Motion to Opposing Counsel of Notice Related Case(s) per Local Fed Rule 7-2.1, to Assignment of Judges." (ECF No. 146.) In addition to advising the court of another civil rights action filed by Plaintiff (*Brodsky v. Arrindger, et al.*, 3:15-cv-00486-RCJ-VPC). Plaintiff's motion requests the court to have Plaintiff's newly filed civil rights action assigned to the same District Judge and Magistrate Judge as in the instant matter (3:14-cv-00641-RCJ-WGC). Plaintiff claims the cases are "the exact same claim...[and] derived out of the initial claim in 22 Nov. 2014." (ECF No. 146 at 1-2.)

The court disagrees with Plaintiff's description of the newly filed matter. The complaint in 3:15-cv-00486 alleges a claim of excessive force as against defendant SE C/O Arrindger and a claim of deliberate indifference as against defendants Lt. Gibaldi and AWO Schrenkgast (sic), none of whom is a defendant in the instant matter.¹ Additionally, the alleged deprivation in *Arrindger* occurred on June 15, 2015 (3:15-cv-00486, ECF No. 1-1 at pages 1-3); the occurrences averred in the instant matter took place on November 22 and November 28, 2014. Clearly the two matters are not related or derived out of the initial claim as Plaintiff claims.

¹ AWO Schreckengost was named a defendant in Count III of Plaintiff's instant matter but did not survive screening. Plaintiff was granted 30 days amend to correct the deficiencies in Count III of his initial complaint (screening order ECF No. 8) but apparently elected not do so. The court in a subsequent order reaffirmed that the case would proceed on Count I only as against Defendants Samsel, Cruise and Ahja. (ECF No. 23)

By: /s/
Deputy Clerk